

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ORLANDO F. BRANCH,

Plaintiff,

v.

DWIGHT BARBEE, et al.,

Defendants.

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No. 3:10-mc-55
Judge Campbell

ORDER

The *pro se* plaintiff in this § 1983 action is an inmate at the Charles Bass Correctional Center in Nashville, Tennessee. Initially, he sought to proceed *in forma pauperis*. (Docket No. 2). Having found that, on at least three (3) prior occasions, the plaintiff has filed a civil action that falls within the meaning of 28 U.S.C. § 1915(g) and that the plaintiff does not allege in the instant complaint that he is in “imminent danger of serious physical injury,” the Court denied the plaintiff’s attempt to proceed *in forma pauperis*. (Docket No. 4). *See* 28 U.S.C. § 1915(g). The Court granted the plaintiff thirty (30) days from May 19, 2010, to remit the full three hundred fifty dollar (\$350.00) filing fee.

The plaintiff has filed a motion requesting an extension of time within which to pay the full filing fee. (Docket No. 9).¹ The plaintiff states that, after he received the Court’s Order denying his application to proceed *in forma pauperis* on May 23, 2010, he has made arrangements to pay the full filing fee; however, he states that he cannot remit the full filing fee within the thirty (30) day period

¹The plaintiff also filed a motion entitled “Motion to Alter or Amend Judgment or Order” which was docketed as a motion for extension of time to pay the \$350.00 filing fee. (Docket No. 8). For purposes of this Order, these motions shall be treated as a single request by the plaintiff to extend the time to pay the full filing fee.

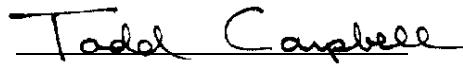
set forth in the Court's Order. As explanation, the plaintiff states that he is awaiting his "institutional worker pay" for the month of June, which will not be available for transaction until after July 15, 2010. (Docket No. 9 at p.2). He further states that he does not earn \$350.00 in institutional worker pay, so he has secured financial assistance of family and friends to pay the balance of the filing fee. However, he states that, due to prison procedures regarding deposits to and transfers from inmate trust accounts and the institutional processing time necessary to complete the deposit and transfer, he will not have access to these additional funds until August 5, 2010. (*Id.*)

The plaintiff appears to be making a sincere attempt to remit the full filing fee and prosecute his case. The Court hereby **GRANTS** the plaintiff's request for an extension of time within which to remit the full filing fee. **The plaintiff must submit the full filing fee of \$350.00 to the Court no later than August 10, 2010. No further extensions of time will be granted.**

The plaintiff is forewarned that, failure to remit the full \$350.00 filing fee by August 10, 2010, will result in this action being dismissed, and the full amount of the filing fee nevertheless assessed against the plaintiff.

The Court makes no representations regarding any statute of limitations that may apply

It is so **ORDERED**.


Todd J. Campbell
United States District Judge